

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

January 30, 1979

The tenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:35 p.m.

ROLL CALL: All members of the committee were present with the exception of Senator Healy. Senator Kolstad and Senator Manning arrived late.

CONSIDERATION OF HOUSE BILL 18: Representative Tropila, Chief Sponsor of HB 18 told the committee the bill is an act to amend section 69-12-327, MCA, to revise the procedure to revoke a motor carrier certificate; providing for an order to show cause and for revocation without hearing in case of failure to appear to show cause.

Rep. Tropila introduced Wayne Budt, from the Montana Public Service Commission, who told the committee, House Bill 18 was a bill to provide for the manner in which an authority can be cancelled. Commission will issue an Order to Show Cause why the certificate should not be cancelled to be sent by certified mail and if certificate holder does not answer the Commission Order, the authority may be cancelled. The Bill would do two things: 1. Eliminate Cost of Hearing and, 2. Certificate holder is given opportunity to be heard.

Chairman Etchart asked if there were any other proponents to HB 18. There were none. Chairman Etchart asked if there were any opponents to HB 18. There were none. The hearing on House Bill 18 closed.

CONSIDERATION OF SENATE BILL 251: Senator Boylan is the chief sponsor of SB 251 and was not present at the hearing. SB 251 is an act to require a damaged motor vehicle to be disposed of at a licensed wrecking facility when an insurance company settles a claim at total loss less salvage; and providing certain exceptions.

Chairman Etchart asked if there were any proponents to SB 251. Mr. William Romine from the Montana Automotive Dismantlers and Recyclers Association gave his presentation. See Exhibit "A".

Chairman Etchart asked if there were any other proponents to SB 251. Mr. Gordon B. Borrough, Green Meadow Auto Salvage, Helena, told the committee he has talked to quite a few people from the different insurance company's and they have raised no real objections to this bill. He told the committee the insurance company favored the bill because it would cut down on their paper work. At the

present time the county is responsible for picking up salvage vehicles. The city does the same thing within the city. The city pays so much per car. If this law was enacted, it would cut down the expense of both agencies.

Chairman Etchart asked if there were any opponents to SB 251. Larry Mitchell, Solid Waste Bureau, Department of Health and Environmental Sciences said he was neither an opponent nor a proponent to this bill. He told the committee he agrees in principle what this bill is trying to do, keep salvage off the streets, etc. He said they are pleased they go into wrecking yards. What they are concerned about is who will be responsible for administering the bill. I am concerned from the standpoint that it would take time to regulate the insurance industry to find out what all these people are doing with these cars. We are in favor of regulation, but we are concerned about the administration of it.

Chairman Etchart asked the committee if there were any questions, there being none, the hearing was closed on SB 251.

CONSIDERATION OF HOUSE BILL 28: Representative Joe F. Kanduch, Sr., is the Chief Sponsor of HB 28. He told the committee this bill was requested by the Department of Highways. It is an act to limit the application of standards for permitted outdoor advertising to certain types of signs; amending section 75-15-113, MCA. He told the committee it seems that 75-15-113 is not in compliance with Federal regulations with highway signs. Wants to add and this way we can bring the two laws of compliance so that they are in agreement with the Federal Laws.

Chairman Etchart asked if there were any proponents to HB 28. Beate Galda, Department of Highways, gave her testimony. Please see Exhibit "B".

Chairman Etchart asked if there were any opponents to HB28. There were none. Chairman Etchart asked if there were any questions from the Committee:

Senator Graham wondered what they were going to do on the sign removal project. He read to the committee an article he had clipped from the newspaper regarding sign removal.

Ms. Galda told the committee if that goes thru, then as of October, their program will come to a halt. We do have a certain amount of funds earmarked for use. In order to get those funds we have to have a project going. Right now, it looks like we would have enough to complete the screening program, but I don't know if they have been tied to a specific subject.

There being no further questions, the hearing was closed.

CONSIDERATION OF SENATE BILL 160: Senator Hager told the Committee that Mae Jenkins called him about this bill. He would like to hold the bill in committee until she arrives on Thursday, the 1st of February, to propose some amendments. Chairman Etchart placed the bill "hold in committee" until that time.

CONSIDERATION OF SENATE JOINT RESOLUTION 7: Chairman Etchart indicated to the committee they had copies of some amendments to take into consideration that incorporated the language Senator Hazelbaker talked about at the last committee meeting.

Senator Hazelbaker told the committee it was still not exactly what he had in mind and would like to talk to Senator McCallum once more.

Chairman Etchart said the way the bill was drafted, the committee to investigate was to start immediately. If these amendments were put into the Legislative Council area for an interim study, it would not have a prayer to get in.

Senator Hazelbaker suggested a direct Senate Resolution, so that the bill would go directly to the Highway Department for investigation. He told the committee he would take care of it, talk to Senator McCallum and report on SJR 7 at the next committee meeting.

ACTION ON HOUSE BILL 18: Senator Hazelbaker made the motion to DO PASS HOUSE BILL 18. The motion carried unanimously. Senator Healy will carry bill. Chairman Etchart asked the secretary to have a summary write up on HB 18 ready for Senator Healy.

ACTION ON HOUSE BILL 28: The committee was not sure they fully understood the bill and asked Mr. Romine if he could explain it.

Mr. Romine said the bill applies to all outdoor signs. That includes signs on your own property. I think the bill is merely to apply to those commercial signs that are not located on your own property. Those that are not located on zoned property. It is a limiting act. Limits sign law to those areas where they were having problems. I agree, it is a difficult bill to understand, but as you look at the whole act, it is only a limiting. It brings it in line with what the Federal Government tried to do in the first place.

Chairman Etchart suggested we hold the bill in committee until such time as the Highway Department (Jim Beck) could come over and explain the bill further. He asked the secretary to take care of this.

ACTION ON SENATE BILL 251: Senator Hazelbaker made the motion to DO PASS SB 251. The motion carried unanimously.

OTHER BUSINESS: Senator Hager told the committee he has a bill he would like introduced as a "Committee Bill". He asked

PAGE 4

Mr. Romine draft up a proposed bill, which he showed the committee.

Chairman Etchart asked if Dave Cogley had looked at the bill. He had not. Chairman Etchart asked Senator Hager to have Dave Cogley look the bill over and see if SB 113 and this bill would mesh together. If so, they we could introduce it as a Committee Bill. Committee Bills approved by the Rules Committee, 40th day of Legislature.

OTHER BUSINESS: Senator Graham reported on two pieces of Legislation from Wyoming, leaving copies. (Exhibit "C" & "D"). One, in regard to the 65 mph speed limit and the other the \$5 fine for 55 mph abusers. He told the committee that Wyoming had copied our Legislation dealing with the \$5 fine.

The following bills were set for hearing on Saturday, February 3, 1979: HB 27 and HB 74.

Chairman Etchart requested the secretary find out how many bill the House Highways and Transportation Committee had in Committee as this time. Secretary called and reported back, there were six (6). The House Secretary for Highways said the load would be light.

There being no further business, the meeting adjourned at 1:35 p.m.

*Mark Etchart*  
\_\_\_\_\_  
Senator Mark Etchart,  
Montana State Senate

cdf

"A"

Testimony of William L. Romine - Senate Bill 251  
Mont. Automotive Dismantlers & Recyclers Assoc.  
P.O. Box 1691  
Helena.

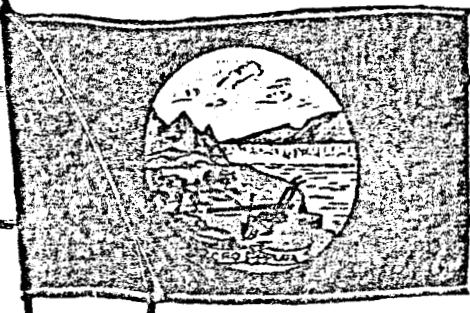
Under the provisions of the Motor Vehicle Wrecking Facility Act, wrecking yards and other similar businesses must be licensed by the State of Montana. To be licensed, they are required, among other things, to screen their wrecking yards, where their junk and damaged vehicles are stored from public view. For a number of years it has been the policy of the State of Montana that such yards and businesses can become an eye sore, and therefore, they should be screened.

The Department of Health & Environmental Sciences, specifically the Solid Waste Division, has the duty of licensing these yards and enforcing the screening requirements. Unfortunately the manpower available to the Division is limited, and although many yards are screened, there are a number of businesses and yards which come within the provisions of the law which have not been screened. Senate Bill 251 has two purposes, the first of which is to force, without additional expenditure of State funds, more complete compliance with the screening laws. Basically it requires that vehicles which have been totalled as a result of a collision, and which are therefore purchased by the insurance company as part of their settlement, must be disposed of at a motor vehicle wrecking facility which is licensed by the State of Montana. There are two exceptions. If, under the terms of a settlement with an insurance company, the owner of the totalled automobile retains ownership, it is not necessary that the insurance company dispose of the vehicle at a wrecking facility. In some instances owners prefer to keep the vehicle, take less in settlement, and use the vehicle for salvage or repair it. The second

House Bill No. 28 was introduced at the request of the Department of Highways and amends section 75-15-113, MCA. The only change to the present section is to exclude directional and other official signs, such as those erected by the Department of Highways to give information to the public, from the standards given in this section. The purpose of excluding such signs from these standards is to comply with federal requirements. The federal law permits states to have more stringent requirements in outdoor advertising control. Where, however, less stringent standards are given, the state can be assessed a 10% penalty for noncompliance with federal law.

Presently, directional and other official signs in Montana do conform with federal standards. The Department of Highways' regulations ~~is~~<sup>are</sup> subject these signs to the standards promulgated by the Federal Highway Administration. But, because Section 75-15-113 also purports to regulate these signs and permits larger signs than those permitted by the federal standards, Montana's law is not in compliance with federal. This amendment would result in such compliance.

"B"



STATE OF MONTANA  
DEPARTMENT OF HIGHWAYS

January 31, 1979

TO: SENATOR CARROLL GRAHAM  
FROM: BEATE GALDA, LEGAL DIVISION OF THE DEPARTMENT OF HIGHWAYS  
RE: FEDERAL FUNDING OF THE BEAUTIFICATION PROGRAM

In answer to your question of January 30, 1979, the federal funds which have already been authorized for use in state beautification programs will not be taken away from the states. These funds, however, are not transferable. Any funds which are not used for the specific project for which they were authorized will probably be lost by the state.

In the junkyard program, Montana has received authorization for approximately \$275,000. The junkyard in Gallatin County which the Department has been ordered by the Supreme Court to screen has been authorized \$15,000 in federal funds. The present estimate for properly screening it is \$63,000.

The Outdoor Advertising Control Program has funds authorized for sign condemnation in Yellowstone County only. The Department has already contracted to purchase all of the nonconforming signs of all major sign companies operating in the state except National Sign Company (3-M). Money is available to purchase these signs and to condemn those of National Sign. There may be a shortage of funds for purchasing nonconforming signs of other businesses in the state.

The history of the beautification program throughout the United States indicates that large amounts of money have been authorized but not yet expended by the states. It is conceivable that Congress may not appropriate more money for beautification until the presently available funds are exhausted.

If you have further questions concerning this matter, please contact me at 449-2585.

BG/gt

*Beate Galda*

"C"

House of Intro  
 \_\_\_\_\_ To Com No. \_\_\_\_\_  
 \_\_\_\_\_ Stand Report Do    Amd    Not     
 \_\_\_\_\_ Com Whole Do    Amd    Not     
 \_\_\_\_\_ 2nd Reading Amd     
 \_\_\_\_\_ 3rd Reading Amd    Pass    Fail   

Second House  
 \_\_\_\_\_ To Com No. \_\_\_\_\_  
 \_\_\_\_\_ Stand Report Do    Amd    Not     
 \_\_\_\_\_ Com Whole Do    Amd    Not     
 \_\_\_\_\_ 2nd Reading Amd     
 \_\_\_\_\_ 3rd Reading Amd    Pass    Fail   

1979

STATE OF WYOMING

79LSO-442.01

SENATE FILE NO.   117  

65 miles per hour speed limit.

Sponsored by: JOINT TRANSPORTATION AND HIGHWAYS  
INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 31-5-301(b) introductory paragraph  
 2 and (iii) and 31-5-1201(c) relating to speed regulations  
 3 of motor vehicles; providing for a sixty-five miles per  
 4 hour maximum speed limit on highways other than urban dis-  
 5 tricts or other restricted areas; providing that speeding  
 6 fines are within the discretion of the judge within pre-  
 7 scribed limitations; and providing for an effective date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. 31-5-301(b) introductory paragraph and  
 10 (iii) and 31-5-1201(c) are amended to read:

S.F. 117



1 court costs. Convictions shall not be considered pursuant  
2 to W.S. ~~31-276-26(b)(i)~~, 31-7-127(b)(i) for driver license  
3 revocations for speeding violations of less than seventy-  
4 five (75) miles per hour.

5 Section 2. This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming Con-  
8 stitution.

9

(END)

House of Intro  
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 \_\_\_ 2nd Reading Amd \_\_\_  
 \_\_\_ 3rd Reading Amd \_\_\_ Pass \_\_\_ Fail \_\_\_

Second House  
 \_\_\_ To Com No. \_\_\_  
 \_\_\_ Stand Report Do \_\_\_ Amd \_\_\_ Not \_\_\_  
 \_\_\_ Com Whole Do \_\_\_ Amd \_\_\_ Not \_\_\_  
 \_\_\_ 2nd Reading Amd \_\_\_  
 \_\_\_ 3rd Reading Amd \_\_\_ Pass \_\_\_ Fail \_\_\_

"D"

1979 STATE OF WYOMING 79LSO-463.01

SENATE FILE NO. 104

Fine for exceeding 55 m.p.h.

Sponsored by: Senator TAGGART

A BILL

for

1 AN ACT to amend W.S. 31-5-1201(c) relating to violation of  
 2 55 miles per hour of speed limit; providing for a maximum  
 3 penalty of five dollars for any person convicted of a  
 4 violation of speed regulations; and providing for an  
 5 effective date.

6 Be It Enacted by the Legislature of the State of Wyoming:

7 Section 1. W.S. 31-5-1201(c) is amended to read:

8 31-5-1201. Violation of provisions to constitute  
 9 misdemeanor; penalties.

10 (c) Every ANY person convicted of a violation of  
 11 W.S. ~~31-130-(b)-(iii)~~ 31-5-301(b)(iii) may be fined a

NAME: Wayne Bredt DATE: 1/30/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB 18

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL

1-30-79

*Highways*

COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	late 12:45 ✓		
Carroll A. Graham	✓		
Dave Manning	late 12:50 ✓		
John E. Healy (Jack)			

Each Day Attach to Minutes.







NAME: Beate Galda DATE: 1-30-79

ADDRESS: Helena

PHONE: 449-2585

REPRESENTING WHOM? Dept of Highways

APPEARING ON WHICH PROPOSAL: H. B. 28

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Larry Hess DATE: 1/30/79

ADDRESS: 107 7th Ave

PHONE: 442-8070

REPRESENTING WHOM? Montana Motor Purifiers Assoc

APPEARING ON WHICH PROPOSAL: NB 18

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Fichte DATE: 1-30-79

ADDRESS: 3974 Rimini Rd Helena

PHONE: 442-1643

REPRESENTING WHOM? State Auditor Mrs. D. D.

APPEARING ON WHICH PROPOSAL: SB 251

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? ? OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gordon B. BARRAUGH DATE: 30 JAN 79

ADDRESS: p.o. Box 1266  
HELENA, MT. 59601

PHONE: 458-9204

REPRESENTING WHOM? Green Meadow Auto SALVAGE

APPEARING ON WHICH PROPOSAL: SB 251

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Individuals buying good stuff - dismant  
discarding - then displaying on side streets or con-  
roads.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PROPOSED AMENDMENTS TO SENATE JOINT RESOLUTION NO. 7

1. Page 1, line 25 and lines 1 and 2 on page 2.

Following: Line 24

Strike: "That the speaker of the House and the Committee on Committees in the Senate each appoint four members two from each party, to serve jointly on a committee"

Insert: "That the Committee on Priorities assign to the appropriate interim committee a study"

2. Page 2, lines 4-5.

Following: "and"

Strike: "file a report with the Legislature as soon as possible during the present session."

Insert: "report its findings and recommendations to the regular session of the 47th Legislature."

SENATE COMMITTEE Highways & Transportation

Date 1-30 House Bill No. 18 Time \_\_\_\_\_

NAME	<u>Highways</u>	YES	NO
Mark Etchart, Chairman		✓	
Tom V. Hager, Chairman		✓	
Frank W. Hazelbaker		✓	
Allen C. Kolstad		✓	
Carroll A. Graham		✓	
Dave Manning		✓	
John E. Healy			

Carol Fraser  
Secretary

Mark Etchart  
Chairman

Motion: DO PASS

\_\_\_\_\_

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\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 1-30 8B Bill No. 251 Time \_\_\_\_\_

NAME	<i>Highways</i>	YES	NO
Mark Etchart, Chairman		✓	
Tom V. Hager, Chairman		✓	
Frank W. Hazelbaker		✓	
Allen C. Kolstad		✓	
Carroll A. Graham		✓	
Dave Manning		✓	
John E. Healy			

Carol Fraser  
Secretary

Mark Etchart  
Chairman

Motion: Do Pass

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(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

..... January 30 ..... 19 79 .....

MR. **President:** .....

We, your committee on ..... **Highways and Transportation** .....

having had under consideration ..... **Senate** ..... Bill No. .... **251** .....

Respectfully report as follows: That ..... **SENATE** ..... Bill No. .... **251** .....

DO PASS

*M/E*

# STANDING COMMITTEE REPORT

January 30 19 79

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **House** Bill No. **18**

Respectfully report as follows: That **House** Bill No. **18**

DO PASS

*Mc*



PRELIMINARY COMMITTEE REPORT 5  
 (for Public Information Office)

The Highways and Transportation *Senate* committee, meeting  
 on \_\_\_\_\_, 19\_\_\_\_, heard the  
 following bills: as of January 31, 1979:

FOLLOWING IN COMMITTEE:		FOLLOWING NOT SET FOR HEARING:	
SB 160	HB 27	SB 297	HB 232
Sb 196		SB 304	
SJR 7		HB 69	
HB 74		HB 66	
HB 28		HB 70	

Executive action was taken on the following bills:

Bill	Recommendation	Vote
SB 52	amended	DO PASS
SB 53		DO PASS
SB 77	AMENDED	DO PASS
SB 72		DO NOT PASS
SB 98		DO PASS
SB 113	AMENDED	DO PASS
SB 179		DO PASS
SB 251		DO PASS
HB 4		DO PASS
HB 18		DO PASS
HB 55	AMENDED	DO PASS
HB 65		DO PASS

Secretary - Please complete this form (need not be typed) as soon as possible. No copy need be made. Your cooperation will be appreciated.